

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CIVIL CASE NO. 3:23-cv-00813-KDB-DCK**

RUSSELL PFEFFER, DAVID DESSNER,)
ADAM SHERMAN, FRANK CRONIN,)
ROGER ROJAS, JASON AUERBACH,)
GRACE BOZICK, MUHAMED VRLAKU,)
and ALL OTHERS SIMILARLY SITUATED,)
)
Plaintiffs,)
)
v.)
)
BANK OF AMERICA CORPORATION and)
BANK OF AMERICA, N.A.,)
)
Defendants.)
)

**JOINT MOTION TO EXTEND / MODIFY
CASE MANAGEMENT ORDER DEADLINES**

Plaintiffs Russell Pfeffer, David Dessner, Adam Sherman, Frank Cronin, Roger Rojas, Jason Auerbach, Grace Bozick, Muhamed Vrlaku, and any Opt-In Plaintiffs (“Plaintiffs”) and Defendants Bank of America Corporation and Bank of America, N.A. (“Defendants”) (collectively, the “Parties”), by and through the undersigned counsel, hereby jointly move this Court for an Order modifying the existing case management deadlines governing this case. In support of this Motion, the Parties jointly state as follows:

1. On April 1, 2024, the Court entered a Case Management Order in this case. Dkt. Entry 23.
2. On December 5, 2024, the Parties filed a “Joint Motion Submitting Parties’ Respective Proposals Regarding Discovery.” Dkt. Entry 122.
3. On February 19, 2025, the Court entered an Order governing discovery in this case and modifying the Case Management Order entered in April 2024. Dkt. Entry 129.

4. Pursuant to the February 19, 2025 Order, the current remaining case deadlines are as follows below:

Item	Current Deadline
Mediation	July 1, 2025
Close of Discovery	July 31, 2025
Rule 23 Certification Motion	August 21, 2025
FLSA Decertification Motion	
Response in Opposition to Rule 23 Certification Motion	September 4, 2025
Response in Opposition to FLSA Decertification Motion	

Because the February 19, 2025 Order did not address experts, it is the Parties' belief that the Court's April 1, 2024 Case Management Order governs, such that the deadlines for expert discovery are presently as follows:

Item	Current Deadline
Initial Expert Disclosures & Reports	75 days before the end of the discovery period – which now is May 16, 2025
Rebuttal Expert Disclosures & Reports	30 days from disclosure of initial expert disclosure and report

5. On April 23, 2025, Defendants filed an Expedited Motion to Extend / Modify Case Management Order Deadlines ("Defendants' Motion"). Dkt. Entry 135.

6. Since the filing of Defendants' Motion, the Parties have further met and conferred and agree that the case management deadlines in this case should be extended and modified as follows:

Item	Current Deadline	Proposed Deadline
Initial Expert Disclosures & Reports	May 16, 2025	July 16, 2025
Rebuttal Expert Disclosures & Reports	30 days from disclosure of initial expert disclosure and report	September 10, 2025
Close of Discovery	July 31, 2025	September 30, 2025
Rule 23 Certification Motion FLSA Decertification Motion	August 21, 2025	November 7, 2025
Response in Opposition to Rule 23 Certification Motion Response in Opposition to FLSA Decertification Motion	September 4, 2025	November 21, 2025

7. This joint request is sought in good faith and not for purposes of delay. These modifications will allow the Parties additional time to complete outstanding discovery items in this large and complex case, including further document production, Opt-In Plaintiff written discovery and depositions, Plaintiffs' Fed. R. Civ. P. 30(b)(6) deposition of Defendants, as well as expert discovery.

8. Furthermore, the parties are scheduled to engage in mediation on June 17, 2025. And, the additional time allowed through the proposed modification will permit the Parties to defer some time-consuming and costly matters until after the Parties can complete mediation on June 17, 2025, which may result in a resolution, and otherwise allow sufficient time to complete the discovery and briefing contemplated by the Court's February 19, 2025 Order.

9. The Parties agree that the Court's granting of this Joint Motion will render Defendants' Motion filed on April 23, 2025 (Dkt. Entry 135) moot such that Plaintiffs do not need to file any response to Defendants' Motion.

10. No other extensions of these case deadlines have been sought.

Conclusion

WHEREFORE, the Parties respectfully request that the Court exercise its discretion and enter an Order extending the current case deadlines as set forth herein. A Proposed Order is submitted for the Court's consideration and is attached hereto as Exhibit A.

Respectfully submitted, this the 2nd day of May 2025.

For Plaintiffs

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FED. R. Civ. P. 37 and LOCAL RULE 7.1 CERTIFICATION

In accordance with Local Rule 7.1, this is to certify that the undersigned has in good faith conferred with counsel for Plaintiffs in the above-captioned action regarding the relief requested in this Motion. Plaintiffs join in the relief requested herein.

This the 2nd day of May 2025.

/s/ Meredith A. Pinson

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Attorneys for Defendants

**CERTIFICATE PURSUANT TO THIS COURT’S JUNE 18, 2024 STANDING ORDER
IN RE: USE OF ARTIFICIAL INTELLIGENCE**

Pursuant to the above-referenced Standing Order, the undersigned hereby certifies as of May 2, 2025 that:

- No artificial intelligence was employed in doing the research for the preparation of this document, or the exhibits thereto, with the exception of such artificial intelligence embedded in the standard online legal research sources Westlaw, Lexis, FastCase, and Bloomberg;
- Every statement and every citation to an authority contained in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

/s/Meredith A. Pinson

Meredith A. Pinson (N.C. Bar No. 39990)

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of May 2025, a copy of the foregoing was served by electronic notification on all parties registered with this Court's CM/ECF system to receive notices for this case.

/s/ Meredith A. Pinson

Meredith A. Pinson (N.C. Bar No. 39990)